

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products
Liability Litigation,

No. MDL 15-02641-PHX-DGC

Jimmy Phillips,
Plaintiff,

No. CV-17-1154-PHX-DGC

v.

ORDER

C. R. Bard, Inc., a New Jersey
Corporation; and Bard Peripheral
Vascular, Inc., an Arizona corporation,
Defendants.

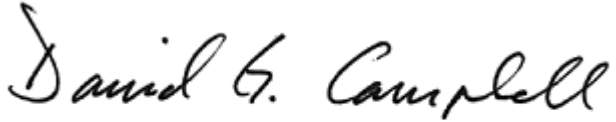
Defendants have filed a motion to dismiss Plaintiff Jimmy Phillips' complaint pursuant to Rule of Civil Procedure 12(b). Doc. 21119. Plaintiff has not filed a response to the motion and the time for doing so has passed. At the time the complaint was filed on behalf of Plaintiff, in his individual capacity, for his alleged personal injuries, he was already deceased. This Court has previously held that a deceased party cannot be a party to a legal action and, as a result, the complaint is a legal nullity and the Court has no jurisdiction over it. The Court accordingly will grant the motion and dismiss Plaintiff's complaint.

1 **IT IS ORDERED:**

2 1. Defendants' motion to dismiss Plaintiff Jimmy Phillips' complaint
3 (Doc. 21119) is **granted**.

4 2. The Clerk is directed to terminate this member case.

5 Dated this 9th day of January, 2020.

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10 David G. Campbell
11 Senior United States District Judge
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